

EXHIBIT J

Deposition of Wanda Kelley

Part I

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CASE NUMBER: 2:05-CV-1150-T

DANIEL BRYAN KELLEY,

Plaintiff,

vs.

RICKY OWENS, ET AL.,

Defendants.

S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and
between the parties through their respective
counsel, that the deposition of Wanda Kelley
may be taken before Sara Mahler, CSR, at the
Coosa County Courthouse, at 100 Main Street,
Rockford, Alabama 35136, on the 4th day of
April, 2007.

DEPOSITION OF WANDA KELLEY

52744

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IT IS FURTHER STIPULATED AND
AGREED that the signature to and the reading
of the deposition by the witness is waived,
the deposition to have the same force and
effect as if full compliance had been had
with all laws and rules of Court relating to
the taking of depositions.

IT IS FURTHER STIPULATED AND
AGREED that it shall not be necessary for
any objections to be made by counsel to any
questions except as to form or leading
questions, and that counsel for the parties
may make objections and assign grounds at
the time of the trial, or at the time said
deposition is offered in evidence, or prior
thereto.

IT IS FURTHER STIPULATED AND
AGREED that the notice of filing of the
deposition by the Commissioner is waived.

* * * * *

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CASE NUMBER: 2:05-CV-1150-T

DANIEL BRYAN KELLEY,

Plaintiff,

vs.

RICKY OWENS, ET AL.,

Defendants.

BEFORE:

SARA MAHLER, Commissioner.

APPEARANCES:

RICHARD STOCKHAM, ESQUIRE, of
STOCKHAM, CARROLL & SMITH, 2204 Lakeshore
Drive, Suite 114, Birmingham, Alabama 35209,
appearing on behalf of the Plaintiff.

KRISTI MCDONALD, ESQUIRE, of
MCDONALD & MCDONALD, 1005 Montgomery
Highway, Birmingham, Alabama 35216,
appearing on behalf of the Defendants, Wendy

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1 Roberson, Terry Wilson, Al Bradley.

2 APPEARANCES (Continued):

3 GARY L. WILLFORD, JR., ESQUIRE, of

4 WEBB & ELEY, 7475 Halcyon Pointe Road,

5 Montgomery, Alabama 36124, appearing on

6 behalf of the Defendant, Ricky Owens.

7 ALSO PRESENT: MELVIN KELLEY

8 BRYAN KELLEY

9 RICKY OWENS

10 TERRY WILSON

11 JEFF TOTTEROW

12 * * * * *

13

14 I, SARA MAHLER, CSR, a Court

15 Reporter of Wetumpka, Alabama, acting as

16 Commissioner, certify that on this date, as

17 provided by the Federal Rules of Civil

18 Procedure and the foregoing stipulation of

19 counsel, there came before me at the Coosa

20 County Courthouse, 100 Main Street,

21 Rockford, Alabama 35136, beginning at 9:30

22 a.m., Wanda Kelley, witness in the above

23 cause, for oral examination, whereupon the

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1 following proceedings were had:

2 VIDEOGRAPHER: Here begins

3 videotape number one in the deposition of

4 Wanda Kelley in the matter of Daniel Bryan

5 Kelley versus Ricky Owens, et al., case

6 number 2:05-CV-1150-T.

7 We're on the Record at 9:41

8 a.m. on Wednesday, April 4th, 2007. This

9 deposition is taking place at the Coosa

10 County Courthouse in Rockford, Alabama. And

11 the videographer is Jeff Totherow.

12 Will counsel please identify

13 yourselves and state who you represent.

14 MR. STOCKHAM: I'm Richard

15 Stockham, and I represent the Plaintiff.

16 MS. MCDONALD: Kristi

17 McDonald. I represent Defendants Terry

18 Wilson, Al Bradley, and Wendy Roberson.

19 MR. WILLFORD: I'm Gary

20 Willford. I represent Defendant Ricky

21 Owens.

22 WANDA KELLEY,

23 being first duly sworn, was examined and

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1 testified as follows:

2 COURT REPORTER: Usual

3 stipulations?

4 MR. STOCKHAM: Yes. Could we

5 have all the people in attendance identify.

6 MR. KELLEY: I'm Daniel Bryan

7 Kelley.

8 MR. KELLEY: I'm Melvin Ray

9 Kelley.

10 MR. WILSON: I'm Terry Wilson.

11 MR. OWENS: Ricky Owens.

12 EXAMINATION

13 BY MS. MCDONALD:

14 Q. Ms. Kelley, I introduced

15 myself to you earlier, and I represent Terry

16 Wilson and Al Bradley and Wendy Roberson in

17 this lawsuit that's been filed by your son,

18 Bryan Kelley.

19 A. Yes, ma'am.

20 Q. Have you ever given a

21 deposition before, Ms. Kelley?

22 A. No, ma'am.

23 Q. Oh, you were in here yesterday

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1 when your son was deposed, so you kind of

2 know how it works?

3 A. Yes, ma'am.

4 Q. I have the same arrangement

5 with you that I had with him. If I ask you

6 a question that just doesn't make sense,

7 please tell me. You will not offend me at

8 all, I promise.

9 A. Okay.

10 Q. And if you need to take a

11 break, if you want to just let us know, we'd

12 be happy to stop at any time you need to get

13 up. Okay?

14 A. Okay.

15 Q. How old are you, Ms. Kelley?

16 A. Fifty-three.

17 Q. And what is your date of

18 birth?

19 A. 9/30/53.

20 Q. And you're married; right?

21 A. Yes, ma'am.

22 Q. Who is your husband?

23 A. Melvin Ray Kelley.

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1 Q. How long have you and
2 Mr. Kelley been married?
3 A. Thirty-eight years.
4 Q. Okay. Do you have any other
5 marriages, other than the one to Mr. Kelley?
6 A. No, ma'am.
7 Q. And I know you have a son,
8 Bryan. Daniel Bryan Kelley. You also have
9 another son as well?
10 A. Yes, ma'am.
11 Q. Who is your other son?
12 A. Shannon Ray Kelley.
13 Q. Does he go by Shannon?
14 A. Shane.
15 Q. Shane. Where does Shane
16 currently live?
17 A. He has a trailer at Harbor
18 Springs Trailer Park, Sylacauga, Alabama.
19 Q. And where do you and
20 Mr. Kelley currently reside?
21 A. 800 Pineview Lane, Sylacauga,
22 Alabama.
23 Q. How long have y'all lived at

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1 that address, Ms. Kelley?
2 A. Since 19 -- July of 1997.
3 Q. And does Bryan live with y'all
4 at that address?
5 A. Yes, ma'am. Part of the time.
6 Q. All right. How long has he
7 lived with you at that address?
8 A. I can't remember an exact time
9 period because he was incarcerated part of
10 the time, but at different times since 1997.
11 Q. And you said he lives with you
12 part of the time now. Where else does he
13 reside?
14 A. He lives with me now.
15 Q. He lives with you full time
16 now?
17 A. Yes.
18 Q. Okay. How long has he lived
19 with you full time?
20 A. Since August the 21st of 2006.
21 Q. And would that have been when
22 he was released?
23 A. Yes.

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1 Q. From . . . Was it Bullock?
2 A. Bullock Correctional Facility.
3 Q. Is it Bullock?
4 A. Uh-huh.
5 Q. Do you work, Ms. Kelley?
6 A. No, ma'am.
7 Q. Have you ever been employed?
8 A. Yes, ma'am.
9 Q. Where have you been employed?
10 A. I was employed for about
11 thirty-five years at Sylacauga Hospital, and
12 Mountain View Lake Alzheimer and Dementia
13 Unit.
14 Q. Where is Mountain View Lake?
15 A. Oak Grove area in Sylacauga.
16 Q. What did you do at Sylacauga
17 Hospital?
18 A. I was a certified nursing
19 assistant.
20 Q. Did you retire from there?
21 A. No, ma'am. I had to come out
22 on disability.
23 Q. What type of health problems

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1 caused you to come out on disability?
2 A. I have fibromyalgia, acute
3 osteoarthritis, and extreme high blood
4 pressure.
5 Q. Well, I know that fibromyalgia
6 can cause you to have pain, so if you need
7 to get up and walk or if you need to get up
8 and stand for any reason today, just let us
9 know and we'll be glad to accommodate that.
10 A. Thank you.
11 Q. Are you on any type of
12 medication this morning?
13 A. My fibromyalgia medicine.
14 Q. What type of medicine?
15 A. It's Vicoprofen.
16 Q. Is that any type of medicine
17 that would interfere with your ability to
18 testify today?
19 A. No, ma'am. No, ma'am.
20 Q. You don't have any side
21 effects from that medication?
22 A. No, ma'am.
23 Q. When did you come out of

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1 disability -- out on disability from the
2 hospital?

3 A. I have just applied for my
4 disability. We're in the process at this
5 time.

6 Q. When was the last time you
7 would have worked?

8 A. I worked a little bit part
9 time last June of 2006. I had to reduce my
10 hours to three hours a morning because I
11 couldn't handle the eight.

12 Q. So you haven't worked at all
13 since last June?

14 A. No, ma'am.

15 Q. When did you reduce your hours
16 to part time?

17 A. Somewhere in around the
18 vicinity of June.

19 Q. You went permanent part time
20 and then just kind of stopped?

21 A. Yes, ma'am.

22 Q. You've applied for your
23 disability --

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1 A. Yes, ma'am.

2 Q. -- with Social Security?

3 Have you been denied yet?

4 A. No, ma'am.

5 Q. Maybe you'll be lucky and you
6 won't be. It will be the first time.

7 A. I hope not.

8 Q. You told me earlier, you've
9 never given a deposition before. Have you
10 ever been a party to a lawsuit at all,
11 Ms. Kelley?

12 A. No, ma'am.

13 Q. Have you ever been sued?

14 A. No, ma'am.

15 Q. Have you ever filed for
16 bankruptcy?

17 A. No, ma'am.

18 Q. Prior to y'all living at this
19 address here where you live now, where were
20 y'all living?

21 A. Coosa County.

22 Q. Okay. Where did you live here
23 in Coosa County?

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1 A. We lived at 25 Turnpike Road,
2 Stewartville.

3 Q. And how long were you at that
4 address?

5 A. Ten years. Or somewhere in
6 that general vicinity.

7 Q. Is there any particular reason
8 why y'all moved over to Sylacauga?

9 A. We had a farm, and it became
10 too much for me and my husband. My boys
11 were gone from home at that time.

12 Q. There was no reason to keep it
13 at anymore, was it?

14 A. Too much grass cutting.

15 Q. I understand that. I know you
16 said you had your CNA. Did you go to get
17 any other type of education beyond high
18 school?

19 A. I went to a nontechnical
20 college and received my certified nursing
21 assistant degree. I also am a certified EMT
22 technician, and I have a degree in brain
23 series.

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1 Q. Where did you get that degree?

2 A. Through my employment. It was
3 a training on the job.

4 Q. Help me here. What does that
5 allow you to do?

6 A. You have to take classes to
7 determine the Alzheimer and dementia states,
8 what happens as it progresses, how it
9 begins, and then what stages later on in
10 life that eventually end up in death.

11 Q. And you got that training
12 there at --

13 A. -- Mountain View Lake assisted
14 living -- I mean, Mountain View Lake
15 Retirement Home.

16 Q. Did you grow up here in Coosa
17 County?

18 A. Yes, ma'am.

19 Q. What was your maiden name?

20 A. Bailey.

21 Q. Do you still have relatives
22 here in Coosa County?

23 A. Yes, ma'am.

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1 Q. Can you kind of just tell me
2 their last names?
3 A. I have a sister, Alvie Bailey.
4 I have a niece, Tiffany Pate. And I have a
5 brother and his wife, Greg and Dana Bailey.
6 Q. Are those your only relatives
7 that are still here in Coosa County?
8 A. Yes, ma'am.
9 Q. Do y'all have family over in
10 Sylacauga, too, other than your sister?
11 A. My mother. Evinell,
12 E-V-I-N-E-L-L Bailey.
13 Q. And then I know that -- or I
14 assume the Kelley's are probably here from
15 Coosa County, too?
16 A. Ma'am?
17 Q. Has your husband got relatives
18 here, too, in Coosa County?
19 A. Yes.
20 Q. Did you go to high school
21 here, too?
22 A. Eleventh grade.
23 Q. Okay. Do y'all have any other

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1 children, other than the two boys?
2 A. No, ma'am.
3 Q. When Bryan was in school,
4 Ms. Kelley, did you have any type of
5 problems with any classes, or with him
6 getting in any kind of trouble at school?
7 A. No, ma'am. Not other than
8 just regular other children, you know.
9 Q. Did you have any problems with
10 him being suspended or . . .
11 A. No.
12 Q. So he was never kicked out of
13 school for any period of time?
14 A. No, ma'am.
15 Q. What kind of classes did he
16 take when he was in high school?
17 A. Rephrase that question.
18 Q. What type of classes was he
19 taking? He did take regular classes or --
20 A. Just basic. English, math.
21 Q. Did he have any kind of
22 special education case classes?
23 A. Trade school.

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1 Q. Just trade school. Was that
2 when he got to high school?
3 A. Yes.
4 Q. And did he graduate from high
5 school without any problems?
6 A. Yes, ma'am.
7 Q. When was the first time that
8 you can recall that he got in trouble with
9 the Law?
10 A. Just a minor, little traffic
11 violation probably nineteen, twenty years
12 old. Somewhere in that -- give or take.
13 Q. And where would that have
14 been?
15 A. Coosa County.
16 Q. Was it just for speeding?
17 A. The best I can remember, he
18 didn't have his seat belt on was the first
19 one that I can remember.
20 Q. And that's fine. I know once
21 they get to be that age, you don't always
22 know everything they're doing. I just want
23 to know what you can remember.

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1 All right. Was he still
2 living with you at the time?
3 A. Yes, ma'am.
4 Q. And I know -- Ma'am?
5 A. We lived on the farm there in
6 Coosa County.
7 Q. I know that at some point, he
8 got married and later moved out?
9 A. Yes, ma'am.
10 Q. Did they live, he and his
11 wife, Marsha, live here in Coosa County when
12 they first got married?
13 A. Yes, ma'am.
14 Q. Did they live with y'all at
15 any point in time during their marriage?
16 A. No, ma'am.
17 Q. Did you see him regularly,
18 even after he got married?
19 A. Yes, ma'am.
20 Q. Okay. When was the next time
21 that you knew of that he had kind of gotten
22 in trouble with the Law?
23 A. It was years later with the

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1 assault case.

2 Q. Is that the -- That was the

3 next time you knew of any trouble that he

4 had had?

5 A. To the best of my

6 recollection.

7 Q. Were you aware that he had had

8 any DUIs between the time that he first got

9 that ticket in Coosa County and the time he

10 had that assault case?

11 A. He had one DUI I know of.

12 Q. Do you know where about that

13 one occurred?

14 A. No, ma'am. I'm not sure if

15 it's Coosa or Sylacauga.

16 Q. Okay. But other than that; he

17 had that minor traffic ticket, and then a

18 DUI, then the assault case?

19 A. Yes, ma'am.

20 Q. Can you tell me the --

21 A. To my recollection.

22 Q. That's fine. I don't want you

23 to testify to anything that you don't

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1 But, anyway, young children, not like

2 fifty-three-year-old people. So at fifteen

3 minutes after ten, they returned back to the

4 house and came in and said they had had a

5 conflict with a nephew, a fight with a

6 nephew.

7 Q. With -- Was it your nephew, or

8 Mr. Kelley's nephew?

9 A. Mr. Kelley's nephew.

10 Q. Who was it?

11 A. Rodney Smith.

12 Q. Had you ever known the two

13 boys to have any problems between them

14 before?

15 A. Nothing, except just a little

16 knit-picking stuff, joking back and forth.

17 Some people, you know, you can joke with and

18 then they tend to want to get a little bit

19 angry, but nothing outside of that.

20 Q. Who's -- or I guess it's like

21 Mr. Kelley's brother or sister's child?

22 A. It's his sister's child.

23 Q. And who was his sister?

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1 remember.

2 Can you tell me what you know

3 about the assault charge, or what had

4 happened to cause him to get charged with

5 assault?

6 A. I can tell you what I was

7 told.

8 Q. Okay. That's fine. Tell me

9 what you know -- what you were told.

10 A. Me and my husband were at

11 home, and we had just laid down. It was

12 around a quarter to ten, and they decided to

13 go shoot a game of pool. Paul Logo's had a

14 little poolroom there, in there in Coosa

15 County.

16 Q. Okay.

17 A. And they decided to go shoot a

18 little game of pool. He and my younger son

19 and Bryan's fiancée, Patty Gross. So they

20 went to shoot a game of pool. And I

21 precisely looked at the clock; it was ten

22 minutes to ten. And, you know, I thought,

23 well, this is late. You know how you think.

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1 A. Shirley Barker.

2 Q. Barton?

3 A. Barker, B-A-R-K-E-R.

4 Q. Okay. Do they live here in

5 Coosa County?

6 A. They live in Sylacauga.

7 Q. Sylacauga. All right. So

8 they came in and told you that they kind of

9 had a little altercation or little fight or

10 disagreement?

11 A. They said, we've had a fight

12 with Rodney.

13 Q. Did he tell you what happened?

14 A. They began to tell the, you

15 know, disturbances that they had had. And

16 of course, they had knots here and there,

17 you know, him and Shane both did from the

18 scrap. Not excessive bleeding, but a

19 scratch here and there.

20 Q. Did he tell you that he had

21 cut Rodney with a knife?

22 A. Yes, ma'am.

23 Q. When was it you first found

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1 out that charges had been brought?

2 A. To my recollection, we
3 received a phone call from Coosa County that
4 said they had a warrant for his arrest. And
5 Bryan was in Tennessee at that time, and so
6 we contacted him that he had a warrant for
7 his arrest in Coosa County. And he came
8 home, and came down and checked it out, or
9 turned in and turned himself in.

10 Q. Okay. When he turned himself
11 in, did you and Mr. Kelley make bond for him
12 so he could get back out?

13 A. Yes, ma'am.

14 Q. Do you recall the amount of
15 the bond?

16 A. It was a hundred and thirty
17 thousand dollars.

18 Q. Okay. Was this the first time
19 y'all had posted a bond for him?

20 A. To the best of my knowledge.

21 Q. All right. So he gets out on
22 bond. Who was representing him at the time?
23 Did y'all get him a lawyer?

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1 A. Yes.

2 Q. Who did -- Did y'all help him
3 get a lawyer, or did y'all hire him a
4 lawyer?

5 A. We hired him a lawyer.

6 Q. Who did y'all hire?

7 A. Robert Rumsey.

8 Q. And at this point that you can
9 recall, was he on probation for any reason
10 at this time?

11 A. No, ma'am.

12 Q. I mean like he as in Bryan?

13 A. No, ma'am.

14 Q. Okay. So y'all get him a
15 lawyer, and then what happens next?

16 A. We hired Robert Rumsey. And
17 there was a conflict with Robert Rumsey, and
18 he called me on my job one day and had me to
19 come over and he wanted to talk to me. And
20 he said: I've been told that you had some
21 things to say at a church meeting concerning
22 the fight. And I said: Mr. Rumsey, I'm not
23 proud of this or neither am I bragging, but

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1 I haven't darkened a church door in two
2 years. So, apparently, he got angry with me
3 at that point, and so then we -- he shoved
4 the papers out across the desk, and we went
5 to Thomas Radney from that point.

6 Q. And was Bryan -- After he came
7 back that first time when he came back to
8 turn himself in for the warrant, did he go
9 back to Tennessee, or did he stay here with
10 y'all in Alabama?

11 A. He stayed here.

12 Q. And did Tom continue to
13 represent him for those charges?

14 A. Yes, sir.

15 Q. Okay. What happened to cause
16 them to put Bryan in jail? Did his bond get
17 revoked?

18 A. Had a preliminary hearing, and
19 he showed up for court that day, and he had
20 a dirty urine.

21 Q. What does that mean?

22 A. He tested positive.

23 Q. Okay. So they did a drug test

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1 on him and he tested positive?

2 A. Yes, ma'am.

3 Q. What did he test positive for?

4 A. Cocaine.

5 Q. And this would have been in
6 2003; correct?

7 A. Somewhere in that general
8 vicinity.

9 Q. Now, I know Bryan told me
10 yesterday that he had been in rehab for
11 cocaine use at one time?

12 A. Yes, ma'am.

13 Q. When was the first time that
14 you recall him being in rehab for his drug
15 use?

16 A. Oh, it's been years ago.

17 Q. Was it before he got married?

18 A. No, ma'am. It was long after
19 then. It was probably '97. Somewhere in
20 that vicinity.

21 Q. And when he went to rehab in
22 '97, do you recall where he went?

23 A. Brookwood Medical Center.

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1 Q. Did y'all have him put at
2 Brookwood?
3 A. He chose to go himself.
4 Q. How did y'all find out that he
5 was using cocaine in '97?
6 A. He told us. He was scared to
7 death.
8 Q. And then he got, I guess, out
9 of rehab there. Do you know of him being in
10 rehab anywhere else before he was sentenced
11 in Coosa County?
12 A. No. Not to my knowledge.
13 Q. Were you aware that he was
14 using cocaine again in 2003, before he
15 tested positive?
16 A. No, ma'am.
17 Q. And then after he tested
18 positive in court, did they take him from
19 the courthouse over to the jail?
20 A. Yes.
21 Q. Who was the judge in that
22 case?
23 A. Judge John Rochester.

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1 Q. Did y'all know Judge Rochester
2 before, prior to --
3 A. I had just heard the name.
4 Q. Okay. You never had any
5 dealings with him for any reason?
6 A. No, ma'am.
7 Q. Did y'all talk to Judge
8 Rochester before Bryan left the courtroom
9 that day?
10 A. No, ma'am.
11 Q. Did you ever make Judge
12 Rochester aware that Bryan had problems, not
13 take him to the emergency room, mental
14 problems, or medical problems that he might
15 need to consider before putting him in a
16 jail?
17 A. I did not speak with Judge
18 Rochester personally. I spoke to William
19 Latham.
20 Q. Who was William Latham.
21 A. He's the court referral
22 officer.
23 Q. Did you speak with Mr. Latham

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1 that day?
2 A. To the best of my knowledge.
3 Q. What do you recall telling
4 Mr. Latham that day?
5 A. That I would like for Bryan to
6 be -- to go into rehabilitation, rather than
7 jail, because I did not feel that jail was
8 going to benefit him on that particular
9 situation.
10 Q. What did he tell you at the
11 time?
12 A. Mr. Latham said it would be up
13 to the judge, I will discuss it with him.
14 Q. Okay. Now, in 2003, Bryan had
15 already had some problems, I guess mentally
16 or emotional problems at that point; am I
17 right?
18 A. In 2003?
19 Q. Uh-huh. Prior to him going to
20 Coosa County jail. He had had some --
21 already had some problems; correct?
22 A. Not mentally. Nothing except
23 bipolar, just a defective disorder.

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1 Q. When was he diagnosed as being
2 bipolar?
3 A. Oh, ten years ago.
4 Q. Ten years from now -- I mean,
5 like in 1997?
6 A. Somewhere in that general
7 vicinity.
8 Q. Was he diagnosed as being
9 bipolar before he was in rehab for the
10 cocaine use in 1997?
11 A. Yes.
12 Q. He had already been diagnosed?
13 A. Yes.
14 Q. Who diagnosed him as being
15 bipolar?
16 A. Dr. Howard Strickler.
17 Q. Where is Dr. Strickler
18 located?
19 A. He's a doctor at Brookwood.
20 He's at Brookwood Hospital.
21 Q. How did Bryan come to see
22 Dr. Strickler as a patient?
23 A. He became real nervous and

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1 upset and was having some, a lot of crying
2 spells and that type thing, so he chose,
3 himself, to go in to Brookwood to
4 Dr. Strickler.

5 Q. He was in the psychiatric unit
6 at Brookwood?

7 A. Yes, ma'am.

8 Q. And this was before the rehab;
9 right?

10 A. Yes, ma'am. He moved him
11 later to the rehab.

12 Q. Did you talk to Dr. Strickler
13 about Bryan?

14 A. Yes, ma'am.

15 Q. What did he tell you when
16 y'all first saw him?

17 A. He told me that Bryan was
18 suffering from a bipolar defective disorder;
19 that it could have developed at a younger
20 age. Some children are born with bipolar
21 defective disorder. It could be an
22 inherited-type thing that he would have
23 inherited from a parent.

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1 Q. Are you or Mr. Kelley, either
2 one, bipolar?

3 A. Not to our knowledge.

4 Q. Did he diagnose him with
5 anything else at that time?

6 A. No.

7 Q. In 2003, before Bryan went
8 over to the Coosa County jail, to your
9 knowledge, other than the bipolar defective
10 disorder, was Bryan suffering from anything
11 else?

12 A. Yes, ma'am.

13 Q. What else was he suffering
14 from?

15 A. He was suffering from
16 extensive back surgery. He has an
17 artificial L4, L5, and S1. He has
18 artificial cages in his back.

19 Q. So it's the back surgery and
20 the bipolar defective disorder?

21 A. Yes, ma'am.

22 Q. Anything else that you were
23 aware of?

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1 A. No, ma'am.

2 Q. And Bryan had told me about
3 the back surgery yesterday. He had surgery
4 at Baptist Montclair in Birmingham?

5 A. Yes, ma'am.

6 Q. Did he just have one back
7 surgery, or more than one?

8 A. One.

9 Q. To your knowledge, what type
10 of medication was Bryan taking in 2003?

11 A. In 2003, he was taking Zyprexa
12 for the bipolar defective disorder, and he
13 was taking Lorcet Plus for his back pain.

14 Q. And those were the only two
15 medications that he was on, to your
16 knowledge?

17 A. To my knowledge.

18 Q. Okay. And I know you said he
19 had been living with y'all since August of
20 2003. Did I get that straight, August or
21 September when the assault happened?

22 A. When the assault happened,
23 yes.

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1 Q. Okay. and then he would have
2 returned to Tennessee after the assault?

3 A. Yes.

4 Q. How long was he up there
5 before he came back and lived with you?

6 A. He didn't go back to
7 Tennessee.

8 Q. Okay. So after the assault he
9 stayed here, and he lived with you until he,
10 I guess, went to the Coosa County jail?

11 A. Yes. Because he had the
12 charges here.

13 Q. Was he already on disability
14 at this time?

15 A. Yes, ma'am.

16 Q. Would you ever go and get his
17 medications filled for him, or pick them up
18 from the pharmacy for him?

19 A. Occasionally.

20 Q. Where would y'all have his
21 prescriptions filled at that time? What
22 pharmacy did you use?

23 A. Food World.

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1 Q. There in Sylacauga?

2 A. Yes, ma'am.

3 Q. And in 2003, who was

4 prescribing Bryan with the Zyprexa?

5 A. Dr. Howard Strickler.

6 Q. All right. And who prescribed

7 the Lorcet?

8 A. Dr. Howard Strickler.

9 Q. Were there any other doctors

10 that Bryan was seeing at the time?

11 A. He saw a regular M.D.

12 Q. Who was that?

13 A. Dr. Aldehart -- No. Excuse

14 me. Let me back up. Alkier.

15 Q. How do you spell his last

16 name?

17 A. That's why it's so confusing.

18 A-K-I-E-R, or A-L-K-I-E-R. Something to

19 that general effect.

20 Q. What is his first name, do you

21 know?

22 A. I have no idea.

23 Q. Okay. And he's there in

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1 Sylacauga; correct?

2 A. Yes, ma'am.

3 Q. All right. What would he see

4 Dr. Alkier for?

5 A. I need to correct my

6 statement. Dr. Howard Strickler prescribed

7 his Zyprexa; however, he was a psychiatrist,

8 so he saw Dr. Alkier for his pain

9 medication.

10 Q. Okay. Were there any other

11 physicians that he was seeing, that you're

12 aware of?

13 A. No, ma'am.

14 Q. Just Strickler and Alkier?

15 A. Yes, ma'am.

16 Q. Between the time that Bryan

17 was diagnosed with being bipolar and when he

18 went to the jail in 2003, are you aware of

19 any other psychiatrists or psychologists

20 that he saw over -- during that period of

21 time?

22 A. From what period of time,

23 ma'am?

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1 Q. From 1997, when he would have

2 been diagnosed, to 2003?

3 A. No, ma'am.

4 Q. Were you aware of any other

5 hospitalizations that he had during that

6 period of time?

7 A. He was in the hospital, I

8 believe, at one time for strep throat and

9 dehydration.

10 Q. Where would that have been,

11 Ms. Kelley?

12 A. Coosa Valley.

13 Q. Was he in any other mental

14 facilities?

15 A. No, ma'am.

16 Q. And to your knowledge, he was

17 not seeing any other doctors?

18 A. No, ma'am.

19 Q. All right. After he got over

20 to the jail, and I think it was November

21 the -- Do you know the date? November the

22 13th, maybe, of 2003?

23 A. Somewhere in the general

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1 vicinity.

2 Q. Okay.

3 A. I'm not sure about the date.

4 Q. All right. Sometime in

5 November of 2003; right?

6 A. Yes.

7 Q. Okay. When was the first time

8 you had any communication whatsoever with

9 anybody at the jail once Bryan got over

10 there?

11 A. It was shortly after he was

12 incarcerated; I won't say that day. It

13 could have been that day, or it could have

14 been the next day, but it was shortly.

15 Q. All right. And who did you

16 talk to over there?

17 A. I believe at that time, I

18 talked to Sergeant Wendy Roberson.

19 Q. Did you call Sergeant

20 Roberson, or did you go down to the jail?

21 A. I called her.

22 Q. What made you call her?

23 A. I called her to tell her that

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1 Bryan was on medication; he did not have any
2 of his medication, and that he could not do
3 without it; that Dr. Strickler said it was a
4 necessity that he take it. Otherwise, that
5 he would have seizures and a possibility of
6 cardiac arrest, and that he was very sick.

7 Q. Had Bryan ever had a seizure
8 before, to your knowledge?

9 A. I've never witnessed a
10 seizure.

11 Q. Had Bryan ever told you that
12 he had had a seizure prior to November of
13 2003?

14 A. No, ma'am.

15 Q. Any of the doctors ever told
16 you that he had had a seizure?

17 A. No.

18 Q. Okay. And what did
19 Ms. Roberson tell you when you talked to
20 her?

21 A. I told her that he had to have
22 his medication. And she said, well, we have
23 our own jail doctor, who is Dr. Weaver. And

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1 I said, but he's got to have his medication.
2 And so my husband went to Food World and got
3 him a couple of pills, because it was my
4 understanding that she would make an
5 appointment with their jail doctor, shortly,
6 to get his medication; however, she didn't.

7 Q. Okay. So Mr. Kelley went to
8 Food World to get some of his medicine?

9 A. Zyprexa.

10 Q. Did he not have any there at
11 the house?

12 A. No.

13 Q. Is there any particular reason
14 why he didn't have his medicine there?

15 A. He just, at that particular
16 time, was out of his medication.

17 Q. Were the prescription bottles
18 at the house?

19 A. They had it on record at Food
20 World.

21 Q. Okay. Do you know whether he
22 had taken it that morning?

23 A. No, ma'am, I don't.

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1 Q. You just know he didn't have
2 it while he was at the jail?

3 A. That's right.

4 Q. Did Ms. Roberson tell you you
5 could bring the medication to the jail?

6 A. To my understanding, they took
7 it. My husband carried it in there.

8 Q. But did she tell you that;
9 that you could bring his medication to the
10 jail?

11 A. To my recollection.

12 Q. She did tell you that?

13 A. Yes.

14 Q. Was she nice to you at the
15 time?

16 A. Yes.

17 Q. All right. When was the next
18 time you had any communication with anybody
19 at the jail?

20 A. Okay. I called Ricky Owens,
21 and I told him the same circumstances; that
22 Bryan was sick, and he had to have his
23 medication.

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1 Q. Was this the same day, or a
2 different day?

3 A. It was give or take. I
4 couldn't say. It was -- within a few days.
5 He went several days without any medication.

6 Q. How do you know that,
7 Ms. Kelley?

8 A. Bryan told me.

9 Q. How many days did he tell you
10 he went without his medicine?

11 A. It was approximately four or
12 five.

13 Q. When did your husband take his
14 medication to the jail?

15 A. After we found out that they
16 were not going to take him to the doctor to
17 get his medication, then I would say a
18 couple days or so, give or take.

19 Q. So the day he went over to the
20 jail, y'all knew he didn't have his
21 medicine. It was four or five days before
22 you took any down there?

23 A. Not four or five days before

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1 he took any. He took him only two pills,
2 but it was four or five days before they got
3 his medication started.

4 Q. Is there any particular
5 reason, that you're aware of, that his
6 prescription was not filled when Mr. Kelley
7 went to Food World to get it?

8 A. He was just out of it.

9 Q. But if there was a
10 prescription on record, was the prescription
11 not filled for a thirty-day period or a
12 fifteen-day period?

13 A. To be honest with you, it cost
14 ten dollars a pill, and so he only got two
15 pills.

16 Q. Who was paying for his
17 medicine?

18 A. I was.

19 Q. Who bought his medicine before
20 you purchased these two pills?

21 A. I did.

22 Q. You always bought his --

23 A. Me or my husband.

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1 Q. Y'all always bought his
2 prescription medication?

3 A. Uh-huh.

4 Q. How long had you been buying
5 his prescription medication?

6 A. For quite some time. For
7 several, I couldn't say exactly, but
8 probably four to six months, or something
9 like that.

10 Q. When he was in Tennessee, how
11 would he get the medication?

12 A. He would use his check, his
13 disability check, to purchase his medicine.

14 Q. Would he get it filled here at
15 the pharmacy, or would he get it filled in
16 Tennessee?

17 A. He usually got it filled here.
18 Because he would only be gone a short period
19 of time.

20 Q. So he would pay for his
21 prescriptions?

22 A. His medicine was costing
23 basically more than his check.

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1 Q. You don't have any drug
2 coverage for that?

3 A. I later on got him on drug
4 coverage.

5 Q. When did you get him on drug
6 coverage?

7 A. About two years ago, I got him
8 on some that helped, a certain drug coverage
9 that helped. But then a little bit later on
10 from that, they offered another plan which
11 was better, and I applied for it.

12 Q. Who was his drug coverage
13 through?

14 A. United Healthcare.

15 Q. And did you and Mr. Kelley pay
16 for the drug coverage through United
17 Healthcare?

18 A. It came out of his check.

19 Q. But at the time, in November
20 of 2003, he did not have any drug coverage;
21 correct?

22 A. No.

23 Q. And you and Mr. Kelley were

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1 buying his medicines?

2 A. Yes, ma'am.

3 Q. What prescription did y'all
4 get the two pills for?

5 A. What prescription?

6 Q. Uh-huh. Was it for the
7 Zyprexa?

8 A. Zyprexa.

9 Q. Not the Lorcet?

10 A. No.

11 Q. And did he have any of the
12 Lorcet with him?

13 A. No.

14 Q. How often did he take the
15 Zyprexa at this time?

16 A. Oh, one in the morning and one
17 at night, I believe.

18 Q. So he only had enough to get
19 him through one day?

20 A. Yes.

21 Q. Now, let me make sure I
22 understand. You did not go down to the
23 jail, your husband did?

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1 A. My husband carried it.
2 Q. When did you talk to Bryan
3 after he got down to the jail? How long was
4 it?
5 A. Of course, they get a phone
6 call, you know, shortly after they're
7 arrested. And he called and said that he'd
8 been locked up, you know, but it was just a
9 short conversation at that time.
10 Q. Were y'all with him at the
11 courthouse the day that they sent him over
12 to the jail?
13 A. His fiancé was.
14 Q. Okay. How did you find out
15 that he had been taken to the jail?
16 A. She called me.
17 Q. And that would have been
18 Patty?
19 A. Yes. Patty Gross.
20 Q. And when was it that you
21 talked to Mr. Latham about him being over --
22 going to the jail.
23 A. Rephrase that question.

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1 Q. When did you talk to
2 Mr. Latham, the drug court officer? Did you
3 talk to him the same day that he went over
4 to the jail, or was it later?
5 A. It was later. I'm not sure
6 exactly when later. It could have been a
7 few days, or maybe a week or so.
8 Q. But Bryan called you the day
9 he got over to the jail?
10 A. To let me know that he had
11 been incarcerated.
12 Q. All right. Did he tell you
13 anything other than that on that day?
14 A. No.
15 Q. And then you talked to
16 Sergeant Roberson, was it that day or the
17 next day?
18 A. It was -- I believe it was the
19 next morning, give or take. I'm not sure.
20 It could have been that afternoon, but I
21 think it was the next morning.
22 Q. And when was the next time you
23 talked to Bryan?

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1 A. Bryan was in population at
2 that time, so he could have -- he called me
3 within two or three days after then.
4 Q. And when he called you, did he
5 call you collect, Ms. Kelley?
6 A. Yes, ma'am.
7 Q. What was the phone number that
8 you had at the time, that he would have
9 called you collect on?
10 A. 256-249-8067.
11 Q. Is that the same number you
12 have today?
13 A. Yes, ma'am.
14 Q. Who do you have service
15 through?
16 A. BellSouth.
17 Q. Was that phone number listed
18 in both your's and Mr. Kelley's name, or
19 just Mr. Kelley?
20 A. It's listed under Kelley's
21 Roofing and Construction.
22 Q. And that's the number there at
23 y'all's house, though?

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1 A. Yes, ma'am. My husband worked
2 out of our home until he got disabled.
3 Q. Okay. So he called you a few
4 days later at some point?
5 A. Uh-huh.
6 Q. And he was in general
7 population at the time?
8 A. Uh-huh.
9 Q. You got to answer yes out
10 loud.
11 A. Yes.
12 Q. I'm sorry. It's just that she
13 takes it down, too.
14 A. I'm sorry.
15 Q. It's okay for the
16 videographer.
17 A. I'm sorry. Yes.
18 Q. You're not the only one that
19 has done it.
20 What did he tell you when he
21 first called you?
22 A. Bryan?
23 Q. Yes, ma'am.

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1 A. Oh, I don't remember exactly
2 what he said, except for the fact that he
3 was in with these other inmates at that
4 time, and he had come in contact with some
5 guys that he'd previously known. Other than
6 that, I don't remember.

7 Q. Did he tell you anybody that
8 he was in the jail with?

9 A. Scotty Holly.

10 Q. Did you know Scotty Holly?

11 A. No, ma'am.

12 Q. Did he tell you how he was
13 feeling when you talked to him?

14 A. At that time, of course, he
15 was upset, you know, being incarcerated.
16 But outside of that, there was nothing
17 different.

18 Q. Did he tell you he was having
19 any problems there at the jail?

20 A. No.

21 Q. You said earlier, when you
22 called Wendy Roberson that you told her
23 Bryan was very sick. What did you mean by

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1 A. No, ma'am, I don't.

2 Q. And you said you had a
3 conversation with Ricky Owens four or five
4 days later?

5 A. Yes, ma'am.

6 Q. And you told Mr. Owens that he
7 needed his medicine?

8 A. Uh-huh.

9 Q. Did Mr. Owens tell you that
10 y'all could bring his medicine to him?

11 A. No, ma'am.

12 Q. What did he tell you?

13 A. I just told him he --
14 Basically, he didn't say anything. I told
15 him that Bryan had to have his medication,
16 and that he had had extensive back surgery
17 and he suffered much pain from that, but he
18 really didn't comment anything.

19 Q. When was the next time you
20 talked to anybody over at the jail?

21 A. Probably, a couple of days
22 later. I called on a regular basis.

23 Q. How often would you say you

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1 that?

2 A. I meant -- What I meant by
3 that, I should have corrected myself. What
4 I meant by that was, it was very important
5 that he take the medication for the bipolar
6 defective disorder; that he could not stay
7 off of that medication.

8 Q. Earlier, you said that she
9 mentioned something to you that they had
10 their own doctor. Did you tell her at the
11 time that Bryan had an appointment to see a
12 doctor?

13 A. No, ma'am.

14 Q. What did she tell you about
15 taking Bryan to the doctor?

16 A. She said that she would try to
17 get him an appointment that next week. I
18 believe she said that he wouldn't be in
19 until after Tuesday.

20 Q. Dr. Weaver would not be in?

21 A. Yes, ma'am.

22 Q. Do you recall what day of the
23 week it was when Bryan was incarcerated?

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1 called?

2 A. I called at least three times
3 a week, if not more.

4 Q. Would you call from your home
5 phone?

6 A. Yes, ma'am.

7 Q. The next time you called, who
8 did you talk to?

9 A. I'm not sure who answered the
10 phone, but I would usually ask for Sergeant
11 Wendy Roberson because I had previously
12 known her.

13 Q. How did you know Sergeant
14 Roberson?

15 A. Me and her worked together at
16 the Coosa County Newspaper.

17 Q. When did y'all work together?

18 A. Somewhere in the vicinity of
19 twelve years ago.

20 Q. Were you working as a CNA at
21 the time?

22 A. She was a writer, and I was
23 sales representative.

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1 Q. Okay. And you were working
2 two jobs at that time?
3 A. Yes. I worked from my home as
4 a sales rep.
5 Q. Okay. How long did you work
6 for the Coosa County Newspaper?
7 A. About three years.
8 Q. From what time to what time
9 period?
10 A. It's hard to remember back
11 then. Probably, from 2000 -- I mean,
12 probably from 1998 to 2001. Something like
13 that.
14 Q. And did Wendy work with you
15 the entire time you were there?
16 A. I don't remember. I know she
17 took another job, but I don't remember what
18 point in time.
19 Q. But you knew her from the
20 newspaper?
21 A. Uh-huh.
22 Q. Had you ever had any problems
23 with her before?

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1 A. No, ma'am.
2 Q. When you called back and
3 talked to her, what was it regarding?
4 A. Bryan's sickness. He still
5 needed his medication. He still needs to
6 see a doctor.
7 Q. When did he need to see a
8 doctor?
9 A. To make sure that he was on
10 the right medication.
11 Q. Was there a concern before he
12 went to the jail that he was not on the
13 right medication?
14 A. Not before he went to the
15 jail.
16 Q. What did she tell you when you
17 talked to her?
18 A. We have our own jail doctor,
19 and I run this damn jail.
20 Q. Did she say anything else to
21 you?
22 A. No, ma'am. I think she got
23 upset with me.

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1 Q. Were you upset with her when
2 you were talking to her?
3 A. No, ma'am.
4 Q. Were you upset about Bryan
5 being in jail?
6 A. Well, any mother's upset when
7 their child's in jail.
8 Q. When you called, were you
9 upset on the phone?
10 A. No, ma'am.
11 MR. STOCKHAM: Do you need to
12 take that?
13 MS. MCDONALD: I'm not sure
14 who it is.
15 A. Are you through with that?
16 Q. Yes.
17 A. No, ma'am. Other than the
18 fact that I wasn't upset or mad. I was
19 irritated that they wasn't taking him on to
20 the doctor and having him checked out and
21 make sure he was on the right medication and
22 get his medication started and this type
23 thing, but I wasn't mad with her.

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1 Q. Was there any particular
2 reason why y'all had not taken him his
3 medicine, other than the fact that it was
4 ten dollars a pill?
5 A. We couldn't afford it.
6 Q. But you had been purchasing it
7 up until the time he went into the jail;
8 correct?
9 A. With the help of his check.
10 Q. Okay. Did he continue to get
11 checks while he was in jail?
12 A. Yes.
13 Q. Did y'all ever notify Social
14 Security that he was in jail?
15 A. No, ma'am. I didn't know I
16 was supposed to.
17 Q. Did you ever call
18 Dr. Strickler to get him to fax a
19 prescription over to the jail?
20 A. No, ma'am. You said
21 Dr. Weaver?
22 Q. Dr. Strickler.
23 A. No, ma'am.

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1 Q. What about Dr. -- I can't say
2 his name, for the Lorcet. Did you ever call
3 him to get him to fax a prescription over to
4 the jail?

5 A. Oh, no, ma'am. They don't
6 normally don't give narcotics at the jail
7 anyway.

8 Q. How do you know that?

9 A. He was never allowed to have
10 anything.

11 Q. Did Ms. Roberson ever tell you
12 that they would not give him a narcotic?

13 A. No, ma'am.

14 Q. Did anybody at the jail ever
15 tell you they would not give him his
16 medicine if it was brought?

17 A. No, ma'am. Clay County did.
18 It didn't have anything to do with Coosa
19 County, but Clay County did tell me that he
20 could not have any pain medication.

21 Q. Did anybody at Coosa County?

22 A. No, ma'am. We're talking
23 about Coosa County right now?

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1 from there, what do you mean by that?

2 A. They furnished it.

3 Q. Do you know whether they ever
4 had to go get his prescription refilled, or
5 whether there was enough in the bottle when
6 y'all took it?

7 A. There was enough. Probably
8 enough for a week in there. That's my
9 guesstimation.

10 Q. All right. After you and
11 Wendy had this conversation on the phone
12 when you said she kind of got mad at you,
13 who did you talk to next down at the jail?

14 A. Like I said, I called on a
15 regular basis. I talked to Wendy again. It
16 was the second time. I talked to Wendy
17 again.

18 Q. Okay. What was it about this
19 time?

20 A. What it was about this time
21 was Bryan had managed to get to a phone and
22 call me that morning, and he said he had
23 fell and hurt his foot. And so I called

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1 Q. Yes, ma'am. Just Coosa
2 County. Now, when Bryan was at Coosa
3 County, had he ever spent any time in any
4 other jail, to your knowledge?

5 A. About a week in Sylacauga.

6 Q. What was that for?

7 A. It was some just little minor
8 tickets and things. I'm not sure exactly
9 what they were, but he gave them time
10 served.

11 Q. And when he was at the jail in
12 Sylacauga, did you have any problems with
13 them over there?

14 A. No, ma'am.

15 Q. Did y'all take his medicine
16 down to the Sylacauga jail?

17 A. No, ma'am.

18 Q. How did he get his medication
19 while he was in Sylacauga?

20 A. I take that back. We carried
21 his medication to the Sylacauga jail, and
22 then they picked up from there.

23 Q. When you say they picked up

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1 Wendy after me and him hung up, and asked
2 her what was going on with him. And she
3 said, well, he has apparently seized all
4 night. But, however, I have just come on,
5 so I'm not aware of the circumstances.

6 It was early in the morning.
7 It was around seven, give or take. But it
8 was early in the morning. But she said he
9 had seized all night; apparently, seized
10 all night.

11 Q. Did she tell you how she knew
12 that?

13 A. No. I assume she was -- Well,
14 I won't assume.

15 Q. Did you or Mr. Kelley go down
16 to the jail that day after having that
17 conversation with her?

18 A. No.

19 Q. Did she call you back after
20 she went and checked on Bryan?

21 A. No.

22 Q. Had you gone down to the jail
23 at all during the time you were having these

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1 conversations with Wendy?

2 A. No, ma'am. Oh, Saturdays. We
3 had visitation on Saturdays, and I would go
4 for fifteen minutes on Saturday.

5 Q. Did you see him the first
6 Saturday he was there?

7 A. Yes, ma'am. To my knowledge.

8 Q. When y'all went in to
9 visitation, did you sign in? Did they make
10 y'all sign in something, or sign a log?

11 A. Yes.

12 Q. How long were you allowed to
13 stay?

14 A. Fifteen minutes.

15 Q. Okay. Did you see him every
16 Saturday he was in jail, Ms. Kelley?

17 A. Yes, ma'am.

18 Q. I figured as a mama, you
19 probably did. What did he tell you that
20 first Saturday?

21 A. Everything was going so-so, is
22 the way he put it. He was in population at
23 that time. Hadn't had any problems, other

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1 complaining of his foot hurting.

2 Q. Okay. What time of day was it
3 that y'all would go visit?

4 A. We would go around eight
5 o'clock. Somewhere in that general
6 vicinity.

7 Q. That morning? In the morning?

8 A. Yes, ma'am.

9 Q. You said Bryan had called you
10 and told you he had hurt his foot. Did he
11 call you before you got there on that
12 Saturday morning?

13 A. I think he called me the day
14 before.

15 Q. So it would have been on a
16 Friday?

17 A. Uh-huh. Or somewhere in that
18 vicinity. Not just specifically.

19 Q. All right. And then you
20 called Wendy right after the conversation
21 you had with him?

22 A. Yes, ma'am.

23 Q. And then y'all saw him on that

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1 than being disturbed that he was

2 incarcerated, you know.

3 Q. He appeared to be fine
4 otherwise; right?

5 A. At that time.

6 Q. Okay. How long was it after
7 he got in jail that you had this
8 conversation with Wendy about the seizures
9 and him hurting his foot?

10 A. That Bryan had a conversation
11 with me?

12 Q. Yes. That Bryan had called
13 you.

14 A. This particular Saturday that
15 I just was speaking about that we went and
16 visited him, he had fell just prior to.

17 Q. That Saturday morning?

18 A. I failed to mention this. He
19 had fell just prior to, and his foot was
20 real, real swollen.

21 Q. Which foot was it?

22 A. The right one. And it had a
23 bone sticking up on the top. He was

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1 Saturday?

2 A. Yes, ma'am.

3 Q. Did he mention anything to you
4 about the seizures?

5 A. No, ma'am.

6 Q. Did you ask him about it?

7 A. Not to my recollection. He
8 just said he had fell.

9 Q. Do you know whether they took
10 him to the doctor about his foot?

11 A. Five days later.

12 Q. Who was he taken to, do you
13 know?

14 A. Dr. Weaver.

15 Q. Do you know what was done for
16 him?

17 A. There was an Ace bandage
18 wrapped around it.

19 Q. Is that all?

20 A. That's all.

21 Q. Did he tell you whether
22 Dr. Weaver had x-rayed his foot?

23 A. He didn't tell me.

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1 Q. When was the next time you
2 talked to anybody at the jail?
3 A. Probably a couple days later.
4 Because I called on a regular basis to check
5 on him. And about him being hurt, I called
6 to check on him.
7 Q. Who'd you talk to?
8 A. I believe at that time I spoke
9 to Mr. Harris.
10 Q. And did you know Mr. Harris
11 before Bryan got over to the jail.
12 A. No, ma'am.
13 Q. Do you know his first name, by
14 chance?
15 A. No, ma'am.
16 Q. What did Mr. Harris tell you?
17 A. Mr. Harris said, outside of
18 his foot, complaining with his foot, and the
19 seizures that he had previously had, that he
20 was doing as well as could be expected. Or
21 something to that affect.
22 Q. Okay. Did you talk to
23 Mr. Harris about anything else?

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1 A. No, ma'am.
2 Q. And then when did you see
3 Bryan again?
4 A. The next Saturday.
5 Q. How was he doing, then?
6 A. He was still complaining with
7 his foot. Bryan didn't look right for some
8 reason that day.
9 Q. This would have been the
10 second Saturday he was there?
11 A. Yes, ma'am. He didn't look
12 right for some reason that day. And I told
13 my husband after we left, I said, he's
14 either gaining a lot of weight or he's
15 swollen one because his stomach was real,
16 real huge. But outside of his foot being
17 swollen and his stomach swollen, you know,
18 everything was normal.
19 Q. Was he complaining about
20 anything at that time?
21 A. He was complaining about being
22 nauseated on his stomach.
23 Q. Was he still in general

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1 population at this time?
2 A. I don't even remember what day
3 this was.
4 Q. To the best of your
5 recollection, how long was it that he stayed
6 in general population once he got there?
7 A. He stayed until December the
8 5th, when he was put in the hole
9 permanently.
10 Q. That second Saturday when you
11 saw him, was he getting his medicine at that
12 time?
13 A. Yes, ma'am. It was my
14 understanding that they had ordered it from
15 Crews Drug Store, or somewhere. I don't
16 know that it's even open now.
17 Q. So he was taking his Zyprexa
18 and Lorcet?
19 A. Yes, ma'am.
20 MS. McDONALD: Can we take a
21 break, please?
22 VIDEOGRAPHER: This is the end
23 of tape number one. We're off the Record.

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1 The time is 10:41 a.m.
2 (Recess taken.)
3 VIDEOGRAPHER: This is the
4 beginning of tape number two in the
5 deposition of Wanda Kelley. Back on the
6 Record. The time is 10:59 a.m.
7 Q. (By Ms. McDonald) Ms. Kelley,
8 how often did you talk to Bryan while he was
9 at the jail?
10 A. When he was in population, I
11 talked to him a good bit. Every
12 two-to-three days.
13 Q. You didn't talk to him every
14 day?
15 A. Not every day.
16 Q. Okay. Would you talk to him
17 more than one time a day?
18 A. Oh, sometimes he would call
19 back.
20 Q. And then you saw him every
21 Saturday?
22 A. Yes, ma'am.
23 Q. When he went in jail in 2003,

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1 did he have an Alabama driver's license at
2 that time?
3 A. No, ma'am.
4 Q. How long has he been without a
5 driver's license, to your knowledge?
6 A. I would say '97.
7 Q. It's been that long?
8 A. Something like that.
9 Q. What is your understanding of
10 the reason?
11 A. DUI. Now, that's give or
12 take. I not --
13 Q. Yeah, I know. And I
14 understand that he's an adult, and you're
15 just telling me what you know as the mother.
16 A. I can't keep up with both of
17 them all the time.
18 Q. So it's your understanding
19 that he hasn't had a driver's license since
20 1997?
21 A. It could have been a little
22 later than that. It could have been 2000.
23 Between '97 and 2000. Somewhere in that

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1 regularly?
2 A. It just set in the yard. My
3 husband bought it for him when he went to
4 prison, and that was a gift when he came out
5 on good behavior from prison.
6 Q. So that was something he got,
7 what, a year ago, in 2006?
8 A. Uh-huh.
9 Q. Is that a yes?
10 A. Yes, ma'am. I'm sorry.
11 Q. That's okay. All right. You
12 were telling me you had talked to Wendy and
13 then you talked to Mr. Harris. Tell me
14 about other conversations you had with
15 anybody down at the jail while Bryan was
16 there.
17 A. From time to time, Brandon
18 Stroud would answer the phone, and I would
19 ask him how Bryan was. And Al Bradley would
20 answer the phone; I would ask him. But
21 mostly -- Like I said, mostly Wendy would --
22 I would ask personally for her because I
23 knew her.

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1 vicinity.
2 Q. Since 2000, he has not had one
3 for sure?
4 A. Yes.
5 Q. And does he drive without his
6 license?
7 A. No, ma'am.
8 Q. The automobile accident that
9 he had back in November, he was driving
10 without a license?
11 A. Yes, ma'am.
12 Q. Whose vehicle was he in?
13 A. He was in mine without my
14 permission.
15 Q. He told me yesterday that he
16 would drive down to the store to get
17 cigarettes. Whose vehicle would he go in?
18 A. He has an automobile.
19 Q. What kind of automobile does
20 he have?
21 A. It's about a '97 S10
22 chocolate, small truck.
23 Q. Does he drive that truck

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1 Q. All right. You talked to
2 Harris and Brandon Stroud and Bradley and
3 Roberson. Is there any -- And I know you
4 talked to Sheriff Owens at one time. Is
5 there anybody else while Bryan was
6 incarcerated at the Coosa County jail that
7 you would have had a conversation with?
8 A. Not to my knowledge.
9 Q. How many times did you talk to
10 Sheriff Owens?
11 A. Three.
12 Q. Now, you told me about the
13 first time you talked to him. Can you tell
14 me about the other two times that you talked
15 to him?
16 A. Okay. The second time that I
17 talked to him, me and my sister married two
18 brothers and they were double first cousins,
19 Bryan and Troy was, and he and his wife both
20 were killed in an automobile accident in a
21 head-on collision in Robertsedale. And I
22 called Sheriff Owens and asked him if Bryan
23 could attend the grave-side service, and he

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1 told me no.

2 Q. Okay. Did he tell you why?

3 A. It was against regulations.

4 Q. Were you aware that a judge
5 would have to let him out in order for him
6 to go -- to be let out of the jail?

7 A. No, ma'am.

8 Q. And then, when was the next
9 time you talked to him?

10 A. Okay. The next time I talked
11 to him, me and my husband went down and
12 talked to him.

13 Q. All right. The first time you
14 talked to him was on the phone, right?

15 A. Yes.

16 Q. All right.

17 A. Then we went down there.

18 Q. Was that about Troy's death,
19 when you went down there the second time you
20 talked to him?

21 A. No. We went to talk to him
22 about Bryan's condition at that time.

23 Q. Okay. So you talked to him on

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1 the phone and then you went down there?

2 A. Yes.

3 Q. All right. When you went down
4 there, did you meet with him?

5 A. Yes, ma'am.

6 Q. Who else was present? Anybody
7 else?

8 A. No, ma'am. It was just me and
9 him.

10 Q. And your husband?

11 A. And my husband.

12 Q. Where did y'all meet?

13 A. He came out of his office, and
14 we were standing between his office and the
15 dispatcher's desk.

16 Q. And what did y'all go to talk
17 to him about?

18 A. Bryan being sick.

19 Q. Do you remember when this was?

20 A. Sometime, give or say, the
21 latter November.

22 Q. And what did y'all talk to
23 Sheriff Owens about?

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1 A. We talked to him about Bryan
2 being sick, and why he was having to sleep
3 on the concrete floor with his back in the
4 condition it was in. He has the artificial
5 L4, L5 and S1 cages, and he was sleeping on
6 a small mat on the floor. And why he could
7 not sleep on the bed like, you know, that
8 was up off of the floor. And he said: I
9 keep him on the floor for my own protection.

10 Q. Okay. Did you ever see the
11 cell where Bryan was being housed?

12 A. Yes, ma'am. Yes, ma'am.

13 Q. How did you come to see that
14 cell?

15 A. We were allowed to go into a
16 side room with Mr. Harris one day and talk
17 with Bryan, and I saw the cell that he was
18 in, which was directly behind the
19 dispatcher's desk. The door was open. To
20 my sorrow, I saw it.

21 Q. And what did you see?

22 A. I saw only a concrete hole,
23 meaning hole, a square. And I'm no

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1 carpenter, but I'll guess, give or take a
2 six by eight, something in that vicinity.
3 No water, no bathroom, and there was only a
4 drain pipe in the center. The concrete sort
5 of sloped off to this drain pipe in the
6 center about the size of a saucer. And it
7 had slits in it, and this is where he had to
8 urinate and defishiate (SIC).

9 Q. Did you see it?

10 A. It was dark, oh, not dark,
11 dark with the door open to where you
12 couldn't see what was inside the cell, but
13 that was all that was in there.

14 Q. Did you see anything else that
15 was in there?

16 A. No, ma'am. Very cold.

17 Q. Did you go in that cell at
18 all?

19 A. No, ma'am. Looking in was
20 enough.

21 Q. When was this that you saw the
22 cell?

23 A. It was latter part of

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1 November.

2 Q. Had you ever been in a jail
3 before this time?

4 A. No, ma'am. I've never been in
5 jail, thank God.

6 Q. But you've never had an
7 occasion to go into a jail before?

8 A. Yes.

9 Q. When had you been in a jail?

10 A. My nephew that got killed, I
11 had visited him on various occasions.

12 Q. At what jail facility?

13 A. Talladega.

14 Q. Had you actually been in and
15 seen where he was being housed?

16 A. No, ma'am. We met in a room
17 like a big auditorium like thing, and you
18 met around a table and talked to whoever you
19 were visiting that day.

20 Q. Did you see the mat that Bryan
21 was sleeping on?

22 A. The mat was not there.

23 Q. The mat was not in the cell at

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1 the time?

2 A. No, ma'am.

3 Q. How did y'all find out that
4 Bryan was sleeping on a mat on the floor?

5 A. He told me.

6 Q. Did he tell you anything about
7 the mat?

8 A. He told me it was very thin,
9 and it was very, very cold in there. And I
10 know that from experience, because I almost
11 froze going in to visit him. It was a very,
12 very thin. And he had a small blanket, not
13 a full-sized blanket that would cover a
14 man's body. He could cover himself halfway.
15 But other than that -- Neither one of those
16 were in that room when I looked in.

17 Q. And you a never saw the
18 blanket or the mat; correct?

19 A. No, ma'am.

20 Q. All right. And you said that
21 Sheriff Owens told you that he was sleeping
22 on the floor for his protection, or Bryan's?

23 A. For his protection. Sheriff

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1 Owens' protection.

2 Q. Did y'all have any other
3 conversation at that time?

4 A. Not to my knowledge.

5 Q. Did he tell you anything else
6 at that time?

7 A. Not that I recollect.

8 Q. Okay. When was the next time
9 you talked to Sheriff Owens?

10 A. Christmas day.

11 Q. Where were you when you had a
12 conversation with Sheriff Owens that time?

13 A. I was at home.

14 Q. You called?

15 A. Yes, ma'am.

16 Q. Had anything happen to cause
17 you to call him?

18 A. Yes, ma'am.

19 Q. What happened?

20 A. I mean, not an incident
21 happened. But it was Christmas day, and, of
22 course, I cried myself to sleep every night,
23 and it was Christmas day, and I called him

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1 and I asked him, I said: By any chance,
2 Sheriff Owens, will you allow Bryan to come
3 out of the hole into the other blocks with
4 the other guys today, because it's Christmas
5 day? I said: From a mother's standpoint of
6 view, can he just mix and mingle with the
7 other guys today? He said: I'm not making
8 you any promises. And he didn't.

9 Q. He did not allow him to come
10 out?

11 A. No, ma'am.

12 Q. How do you know that?

13 A. Bryan told me.

14 Q. Did you have anymore
15 conversations with Sheriff Owens?

16 A. No, ma'am.

17 Q. You never went to the jail and
18 talked to him, or talked to him on the
19 phone, either one?

20 A. No, ma'am.

21 Q. What about Terry Wilson. Did
22 you ever have any conversations with him
23 about Bryan?

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1 A. I spoke just briefly with
2 Terry on the phone and would ask him, you
3 know, sometimes Terry would answer the
4 phone, and I would ask him how Bryan was or
5 various things. And I would explain to him
6 that Bryan was very sick, and had a lot of
7 medical problems. But nothing major. I
8 mean, our conversation was nothing major.

9 Q. Was he nice to you when you
10 had conversations with him?

11 A. Yes, ma'am.

12 Q. How many conversations would
13 you say you had with Mr. Wilson?

14 A. I would say one or two at the
15 most.

16 Q. And you said you had talked to
17 Al Bradley on the phone?

18 A. Yes, ma'am.

19 Q. Approximately, how many times
20 did you talk to Mr. Bradley?

21 A. It's sort of hard to -- give
22 or take five or six times.

23 Q. And were all those

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1 conversations about how Bryan was doing?

2 A. About how he was doing.

3 Q. Was he nice to you when you
4 talked to him on the phone?

5 A. Al's never nice to anybody.

6 Q. Okay. What would he say to
7 you on the phone?

8 A. He's okay.

9 Q. Anything else?

10 A. No, ma'am.

11 Q. Now, I know you told me you
12 had talked to Wendy Roberson. What other
13 conversations did you have with Wendy while
14 Bryan was incarcerated?

15 A. I called Wendy on another
16 occasion, and this particular morning I was
17 just really upset and crying. I'd been up
18 most of the night, and I was crying, and I
19 called her. And I was crying when I called
20 her, and she could tell I was very upset.

21 And I said: Wendy, Bryan is
22 dying. I can tell by the way he was
23 looking. He's dying in that jail cell. Can

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1 you please do something to help me? And she
2 said: We have our own jail doctor. And I
3 said: But, Wendy, we're going to lose him.
4 He's going through withdrawals.

5 Dr. Strickler has already said that he could
6 go under cardiac arrest from withdrawals,
7 severe withdrawals.

8 Q. Withdrawals of what?

9 A. Cocaine. This was earlier on.
10 I can't give you a specific time of this.
11 But, anyway, I was crying, and Wendy
12 proceeded to tell me, I know similar
13 something what you're going through. I have
14 a son that was messed up. And blah, blah,
15 you know, just a general conversation.

16 And I said: Wendy, please do
17 something to help me. He's going to die in
18 Rockford jail. And she said: I will see if
19 I can get him an appointment with the doctor
20 next week.

21 Q. Had y'all -- Had you notified
22 anybody at the jail that he could have
23 cocaine withdrawals, prior to this

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1 conversation with Wendy?

2 A. I did not. Dr. Howard
3 Strickler did. He called Mr. William
4 Latham, and also faxed him a letter.

5 Q. Mr. Latham who is the --

6 A. -- Court Referral Officer.

7 Q. But I'm talking about over at
8 the jail. Did y'all notify anybody at the
9 Coosa County jail that Bryan suffered from
10 withdrawals from not having cocaine?

11 A. Yes. I told Wendy.

12 Q. When did you tell her?

13 A. In one of our phone
14 conversations. I can't remember.

15 Q. And I thought you told me
16 earlier, I may have misunderstood, in
17 November of 2003, were you aware that Bryan
18 was using cocaine again?

19 A. I wasn't aware of it.

20 Q. When did you become aware of
21 it?

22 A. I became aware of it when he
23 tested positive when he went to court that

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1 day.

2 Q. How did you know he could have
3 withdrawals from cocaine use if he wasn't
4 using regularly?

5 A. Well, he was incarcerated that
6 day.

7 Q. But do you know whether he was
8 regularly using cocaine?

9 A. No, he did not regularly use
10 it.

11 Q. What made you think he'd have
12 withdrawals from cocaine if he wasn't
13 regularly using it?

14 A. Well, any time you use
15 something -- that's like an alcoholic,
16 you're going to have withdrawals if you
17 drink for a few days, you know. I don't
18 know how many days that he had used it, but
19 it wasn't a long period of time.

20 Q. How long was it after he was
21 incarcerated that you talked to
22 Dr. Strickler about him?

23 A. Oh, I would say two-to-three

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1 days.

2 Q. And what did you call
3 Dr. Strickler for at that time?

4 A. I called him to tell him that
5 he had been incarcerated, and that they had
6 cut everything off. They was giving him
7 nothing. He said: Ms. Kelley, he can not
8 live like this. He said, he will die.

9 Q. Did you talk to him about
10 Bryan using cocaine again?

11 A. He had -- Bryan had already
12 been in DDU because of the cocaine with
13 Mr. Strik -- with Dr. Howard Strickler.

14 Q. And that was in 1997?

15 A. So he was familiar with that.

16 Q. That was in 1997, though;
17 correct?

18 A. He had used cocaine since
19 1997, because he tested positive the morning
20 of court.

21 Q. Was he just -- That's my
22 question. To your knowledge, was he
23 regularly using cocaine?

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1 A. He did not regularly use
2 cocaine, no.

3 Q. How often was he using
4 cocaine?

5 A. Very seldom.

6 Q. Did Dr. Strickler tell you he
7 could have withdrawals from not getting
8 cocaine, even though he was just seldom
9 using it?

10 A. I don't remember that.

11 Q. Was he using powder cocaine,
12 or was he using crack cocaine?

13 A. Crack cocaine. The only way I
14 knew this, he told me.

15 Q. Any other conversations that
16 you remember having with Ms. Roberson?

17 A. I called Wendy all the time.
18 In fact, she probably got very irritated
19 with me. But I called her all the time to
20 check on him. As I said, two-to-three times
21 a week. At least, two-to-three times a
22 week.

23 Q. Do you remember anything else

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1 that she would have said back to you when
2 you would call her to check on Bryan?

3 A. Her favorite comment was, I
4 run this damn jail.

5 Q. Were you trying to get them to
6 take him to his doctors?

7 A. Dr. Howard Strickler requested
8 that he be brought by ambulance to Brookwood
9 Medical Center, and that he would treat him.
10 And Mr. Latham said he would contact the
11 judge. He contacted Judge John Rochester,
12 and he said no.

13 Q. So to the best of your
14 understanding, that was something that was
15 outside of the control of anybody at the
16 jail?

17 A. That was up to the judge.

18 Q. Okay. Not anybody at the
19 jail?

20 A. No.

21 Q. Did you understand that they
22 could not move Bryan or take him out of jail
23 without a court order?

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1 A. Right. Right. Nothing
2 without the judge's order.
3 Q. And was Mr. Radney still
4 representing Bryan?
5 A. Yes.
6 Q. Did y'all ever talk to
7 Mr. Radney about any of this?
8 A. Yes, ma'am.
9 Q. What did y'all talk to him
10 about?
11 A. Well, we told him the whole
12 story, you know.
13 Q. Did he ever file anything
14 trying to get Bryan released from the jail,
15 to get him moved?
16 A. He filed a writ of habeas
17 corpus.
18 Q. And what was the result of
19 that?
20 A. Oh, Judge Rochester denied it.
21 Q. How long was Bryan in jail
22 before he started getting his medication
23 regularly?

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1 A. I would probably say, give or
2 take, a couple of weeks.
3 Q. When you would see Bryan on
4 Saturdays, did you ever ask him what
5 medication he was taking?
6 A. Yes, ma'am.
7 Q. What would he tell you?
8 A. That they had started his
9 Zyprexa.
10 Q. Did he tell you about any
11 other medications he was on?
12 A. Oh, he said -- and the way he
13 would put it was, some of the pills, I don't
14 know what they are.
15 Q. Did he tell you how many pills
16 he was taking?
17 A. Several, five or six.
18 Q. Did you ever inquire as to
19 what other medication he was on?
20 A. No, ma'am. But I had the jail
21 med sheet.
22 Q. Who gave you the jail med
23 sheet?

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1 A. Dr. Weaver.
2 Q. When did you get that from
3 him?
4 A. I went and requested his
5 medical records, and he turned them over to
6 me.
7 Q. How long was it after Bryan
8 had been in that you did this?
9 A. Shortly after that time, about
10 three weeks.
11 Q. Okay. Do you recall what
12 medications were being prescribed for Bryan
13 at the time?
14 A. Prolixin, Neurontin, Zyprexa,
15 Phenobarbatol. There was six of them, if
16 I'm not mistaken. Klonopin. There was six
17 of them all together.
18 Q. Was Bryan taking these
19 medications, to your knowledge, when he went
20 into the jail?
21 A. No.
22 Q. Do you know whether
23 Dr. Strickler ever contacted Dr. Weaver

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1 regarding Bryan's medications?
2 A. No, ma'am. I don't know.
3 Q. Did you ever ask him to?
4 A. No. Because they always
5 stressed to me that we have our own jail
6 doctor.
7 Q. Did you ever talk to
8 Dr. Weaver about the medication that Bryan
9 was being prescribed?
10 A. No, ma'am. I never saw
11 Dr. Weaver, except when I went to pick up
12 the medical records.
13 Q. Did you talk to him at that
14 time?
15 A. No, ma'am.
16 Q. Did Bryan tell you he was
17 having any side effects from the medications
18 he was being given?
19 A. Yes, ma'am.
20 Q. What did he tell you?
21 A. Itching, breaking out in big
22 wheals all over, shocking. As the way he
23 put it, it's like you're sticking your

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1 finger in a 110-volt electrical unit. It's
2 causing shocking treatments all up and down
3 my back and into my mind. He broke out in
4 big beads of sweat; big red whelps all under
5 his hair, all over his entire body, even
6 between his toes in his feet.

7 Q. Did you ever see any of these?

8 A. I saw this.

9 Q. What did you see, Ms. Kelley?

10 A. He and my husband went to
11 visit him on a Saturday. When he first came
12 in and sat down and started talking to us, I
13 would say within two-to-three minutes after
14 he started to talk to us, he broke out in
15 big beads of sweat to start off with, all
16 across his forehead. We just thought he was
17 extremely hot.

18 And then big, huge whelps
19 started breaking out all across his
20 forehead. And he started itching, and he
21 said: Mother, I'm having those shocking
22 feelings again.

23 Q. How long had he been in jail

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1 when this happened?

2 A. This was sometime around the
3 middle of December.

4 Q. Did you talk to anybody about
5 this after you had seen that? Did you go
6 talk to the Sheriff or Wendy about it?

7 A. Yes, ma'am.

8 Q. Who did you talk to?

9 A. To the best of my knowledge, I
10 told Wendy.

11 Q. Did you -- In person, or . . .

12 A. I called her.

13 Q. What did she tell you?

14 A. They carried him to Dr. James.
15 That they'd take care of him to see
16 Dr. James at Temple Medical Clinic.

17 Q. And do you know what the
18 result of that was?

19 A. Dr. James said that he was
20 unaware. He was hit -- Oh, I also picked up
21 all of his medical reports. He said he was
22 unaware of what was causing it, but it
23 seemed to be secondary to his meds and a

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1 reaction secondary to his meds.

2 Q. To your knowledge, was any of
3 the medication changed?

4 A. Yes, ma'am.

5 Q. What about his medication
6 changed after that?

7 A. After that point?

8 Q. Yes, ma'am.

9 A. I mean, I thought you was
10 talking about from the time he entered.

11 Q. No. After that point, did
12 they -- Did Dr. James change any of his
13 medications?

14 A. No, ma'am. He didn't change
15 it; he added one to it.

16 Q. What did he add to it?

17 A. Something for itching, but I
18 can't tell you the name of it.

19 Q. Okay. Do you have any
20 knowledge as to how many times Bryan would
21 have been taken to the doctor during his
22 incarceration at Coosa County?

23 A. He was carried to Dr. Weaver

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1 one time. He was carried to Russell
2 Hospital one time, and then he was carried
3 the last time to ICU.

4 Q. Tell me --

5 A. Now, that's to my knowledge.

6 Q. Yes, ma'am, I understand that.

7 Can you tell me, Ms. Kelley,
8 that last time when he was at Russell
9 Hospital in ICU, tell me what you know about
10 that.

11 A. Okay. He called me in the --
12 Bryan called me. If Mr. Harris or Mr. Tim
13 was up front, they would allow him to come
14 out of the hole to use the phone for just a
15 minute, if no one else was looking. If
16 Ricky wasn't looking, or Wendy wasn't up
17 there or Al. They let him use the phone.
18 He called me briefly. He said: Mother, I'm
19 very sick. And I said: Baby, what's wrong?
20 And he said: I'm so weak I can't stand up.
21 I've got to go back and lay down. And so he
22 hung up the phone.

23 Q. Do you know what day this was,

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1 Ms. Kelley?

2 A. No, ma'am.

3 Q. Had you seen him on that

4 Saturday?

5 A. Yes, ma'am.

6 Q. Okay. Had you noticed

7 anything different about him on the Saturday

8 you saw him?

9 A. That's when the whelps were so

10 bad.

11 Q. And then after that --

12 A. And also in addition to the

13 whelps, his skin was turning color. He was

14 real yellow. The whites of his eyes were

15 yellow. His skin tone was yellow.

16 Q. Did you tell anybody about

17 that?

18 A. And his stomach was real

19 swollen.

20 Q. Did you tell anybody about

21 that?

22 A. I told Sergeant Wendy. But

23 you asked me another question, and I didn't

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1 get to finish it. I don't remember what it

2 was.

3 Q. He called you that morning and

4 told you he was sick, very sick?

5 A. He called me and told me he

6 was very sick, and he talked to me briefly.

7 They would let him slip out and use the

8 phone. Mr. Harris or somebody that was --

9 if Ricky, Al, and Wendy wasn't up front,

10 they'd let him use the phone. They'd slip

11 him out and let him use the phone and dial

12 me right quick.

13 He said: I'm so sick I can't

14 set up. He went back into the -- I mean, he

15 hung up the phone. And I could tell by the

16 tone of his voice that he was disoriented,

17 and I could tell that he was very sick.

18 Q. How could you tell he was

19 disoriented on the phone?

20 A. He was crying and saying,

21 mother, I'm so sick. I'm so sick. I can't

22 set up. I can't set up. I'm sick. And so

23 I called. I hung right up, and I called to

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1 the jail. Aaron Green answered the phone.

2 And I said: Aaron, what's going on with

3 Bryan? And he said: Ms. Kelley, I don't

4 know. He said: Bryan's eyes are gold. He

5 said: He is swollen, and he is broke out

6 from the top of his head to the bottom of

7 his feet. He said: I don't know what's

8 wrong with him. And I said: Can you take

9 him to a doctor? And he said: There's no

10 one here but me, and I can't. And I said:

11 Well, Aaron, please try to get some help;

12 he's dying in the jail cell.

13 I didn't hear anything else.

14 I hung up the phone. And, of course, mother

15 like, I sat down and cried my eyes out. At

16 five o'clock that afternoon, Thomas Radney

17 called me, who was our attorney. He said:

18 Ms. Kelley, this is Thomas Radney, quote end

19 quote. Bryan is in intensive care at

20 Russell Hospital in Alex City in critical

21 condition. You and your husband go to the

22 hospital. Administer to whatever needs that

23 he might have. And we went immediately.

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1 Q. What time of day did Bryan
2 call you?
3 A. Oh, he called me -- let's see,
4 give or take, I can't remember, but
5 somewhere about nine or ten o'clock.
6 Something like that.
7 Q. That morning?
8 A. Uh-huh.
9 Q. Do you know what time he got
10 to the hospital in Alex City?
11 A. No, ma'am.
12 Q. You were not called until he
13 was already in ICU?
14 A. Ma'am?
15 Q. At five o'clock when you got
16 the call from Mr. Radney, he was in ICU at
17 that time?
18 A. He said he was in ICU, but
19 when we got down there he was still in the
20 emergency room. Evidently, Mr. Radney had
21 been given the information that he was going
22 to ICU.
23 Q. Okay. When y'all got to the

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1 Q. How long did that --
2 A. Two months.
3 Q. Two months. And he lived with
4 you and Mr. Kelley at that time?
5 A. Yes, ma'am.
6 Q. And then, when did he go back
7 to Coosa County to jail?
8 A. Okay. Can I back up for just
9 a second?
10 Q. Yes, ma'am.
11 A. Judge Rochester furloughed him
12 to the Caradale Lodge in Sylacauga. I went
13 and picked him up and carried him straight
14 back to Rockford jail. They told me at
15 Caradale Lodge that he has a strep throat,
16 and he needs to go see a doctor before he
17 goes back to jail.
18 But I didn't know what to do,
19 because I knew he was on a furlough. And
20 once he was released into my custody, then
21 he was to go back to the jail. So I carried
22 him back to the jail. No -- I'm getting
23 confused again. I'm sorry.

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1 ER?
2 A. When we got to the ER, he was
3 still in the ER.
4 Q. Okay. Was this the only
5 conversation you had had with Aaron Green
6 about Bryan?
7 A. Yes.
8 Q. Any other conversations you
9 had with anybody else that worked at the
10 jail about Bryan while he was there?
11 A. Not to my knowledge.
12 Q. Now, it's my understanding
13 that he left Russell Hospital and went to a
14 rehab program. Am I right about that?
15 A. Yes, ma'am.
16 Q. Where did he go?
17 A. Judge Rochester furloughed him
18 to a rehab program in York, Alabama. Don't
19 hold me to that, but I think I'm correct on
20 that.
21 Q. At some point, did he come
22 back home before he went back to jail?
23 A. Yes. He had in-house arrest.

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1 Q. Oh, it's okay. I know it's
2 been a long time.
3 A. I'm having to think and I'm
4 getting confused again.
5 I picked him up at Caradale
6 Lodge. I did take him by a Dr. Law's
7 office. He gave him a shot for the strep
8 throat. Then I carried him straight to
9 Rockford jail, to Wendy. Dr. Law gave me
10 two prescriptions. It was not for
11 medication, but it said: Do not
12 reincarcerated this patient due to medical
13 reasons. If he is reincarcerated, Coosa
14 County jail will be held responsible for
15 whatever might take place concerning this
16 patient. And I have a copy of those.
17 Q. Did you give those to your
18 attorney, or take those to Judge Rochester?
19 A. I gave them to my attorney.
20 Q. All right. Did he tell you
21 that the judge would have to be the one to
22 make the decision as to whether your son
23 could be released?

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1 A. No, ma'am.

2 Q. Did you understand that that

3 was something that would have to be done by

4 the judge?

5 A. Not that particular thing, I

6 didn't. I mean, coming from a doctor, you

7 know, I didn't understand that.

8 Q. Did you think the doctor could

9 override the judge?

10 A. No. According to law, nobody

11 overruns the judge.

12 Q. So you took him back to Coosa

13 County to the jail?

14 A. Yes, ma'am.

15 Q. And how long was he there this

16 next time?

17 A. He wasn't there very long,

18 maybe two-to-three weeks or so. And they

19 transferred him to Clay County. They housed

20 him in Clay County.

21 Q. And after that, did he return

22 to Coosa County jail at any time?

23 A. After that time?

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1 Q. After he got out of Clay

2 County?

3 A. No, ma'am.

4 Q. Okay. And the two-to-three

5 weeks that he was there that second time,

6 did you see him on those Saturdays as well,

7 again?

8 A. Yes, ma'am.

9 Q. Did he tell you he was having

10 any problems during those two-to-three

11 weeks?

12 A. No, ma'am.

13 Q. When he went over to Clay

14 County, do you recall who the sheriff was

15 over there?

16 A. The sheriff?

17 Q. Yes, ma'am. Well, let me ask

18 you this.

19 A. I know Ms. Shannon, but I

20 don't know the sheriff's name.

21 Q. That's okay. Who did you deal

22 with while Bryan was incarcerated at the

23 Clay County jail?

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1 A. Mainly, Ms. Shannon.

2 Q. When Bryan was taken over to

3 Clay County jail, do you know whether his

4 medications were taken over there with him?

5 A. No, ma'am. They had him --

6 They had carried him to Cheehaw Mental

7 Health.

8 Q. After he got to Clay County?

9 A. Not Cheehaw, I'm sorry. They

10 carried him to Lineville Mental Health,

11 which is the closest to Clay County. And he

12 saw Dr. Castro.

13 Q. That two- to three-week period

14 that Bryan was back at --

15 A. That's give or take. I can't

16 remember, so it's give or take.

17 Q. I understand. When you took

18 him back over to Coosa County jail after he

19 got released from jail, did y'all take his

20 medications with you at that time?

21 A. Now, I don't remember.

22 Q. Did he complain to you at any

23 time that he was not receiving his

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1 medications during this period?

2 A. No, ma'am.

3 Q. Did he have any problems when

4 he was at Clay County in the jail?

5 A. No, ma'am. They have their

6 own doctor and nurses on staff.

7 Q. Did you go to see him every

8 time you could visit him?

9 A. Yes, ma'am.

10 Q. How often were you allowed to

11 visit him at Clay County?

12 A. Once every two weeks.

13 Q. Was it on Saturdays?

14 A. Yes, ma'am.

15 Q. Did he call you from there, as

16 well?

17 A. Did he call me from Clay

18 County?

19 Q. Yes, ma'am.

20 A. Yes ma'am.

21 Q. How often would you talk to

22 him while he was at Clay County?

23 A. Not a whole lot. Every two or

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1 three days. It's so expensive. Those phone
2 calls are so expensive, and he was better at
3 that time.

4 MS. McDONALD: Y'all want to
5 take a break?

6 MR. STOCKHAM: Yes.

7 THE WITNESS: Please.

8 VIDEOGRAPHER: Off the Record.
9 The time is 11:39 a.m.

10 (Recess taken.)

11 VIDEOGRAPHER: Back on the
12 Record. The time is 12:44 p.m.

13 Q. (By Ms. McDonald) Ms. Kelley,
14 at any time, have you or your husband had
15 power of attorney over anything to do with
16 Bryan, any of his medical care or decisions?

17 A. I had medical care.

18 Q. Okay. When did you have a
19 power of attorney?

20 A. I've had it for about five
21 years.

22 Q. Do you still have it?

23 A. Yes. Not power of attorney

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1 Bullock, how often were you allowed to see
2 him?

3 A. We were allowed twice every
4 two weeks, but we only went once a month
5 because the trip was so long on my husband.

6 Q. Okay. How was he doing while
7 he was at Kilby?

8 A. Fine.

9 Q. Did he report having any
10 problems to you?

11 A. No. He said he had no
12 disciplinary problems.

13 Q. What about any other problems?
14 Were you made aware of any other problems he
15 was having?

16 A. No, ma'am.

17 Q. Were you aware of any medical
18 problems he was having?

19 A. No, ma'am.

20 Q. When you saw him while he was
21 at Kilby, did he appear to you to be fine?

22 A. Fine.

23 Q. What about while he was at

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1 over him, but just his information can be
2 given, released to me because of the HIPPA
3 law in the State of Alabama.

4 Q. Okay. So you just have
5 permission to obtain copies of his medical
6 records?

7 A. Right. Right.

8 Q. You don't actually have
9 control of his money or anything else?

10 A. No, ma'am.

11 Q. Okay. After he got out of
12 Clay County jail, he was taken to Kilby?

13 A. Yes, ma'am.

14 Q. To prison. Did y'all see him
15 while he was at Kilby?

16 A. Yes, ma'am.

17 Q. How often were you allowed to
18 see him while he was at Kilby?

19 A. We could have seen him every
20 two weeks, but we only went once a month
21 because my husband had had two heart
22 attacks.

23 Q. And then once he was at

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1 Bullock?

2 A. Fine.

3 Q. He didn't appear to have any
4 problems?

5 A. No, ma'am.

6 Q. Did he tell you he was having
7 any problems?

8 A. No, ma'am.

9 Q. Did he tell you that he was
10 experiencing any problems whatsoever?

11 A. No, ma'am.

12 Q. When he got out of Bullock,
13 where -- did he come home after he got out
14 of Bullock?

15 A. Yes, ma'am.

16 Q. And that was in, when did you
17 tell me, August of 2006?

18 A. Yes.

19 Q. And he has been living with
20 y'all since that time?

21 A. Yes, ma'am.

22 Q. Since he's been home, since
23 August of 2006, can you tell me the doctors

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1 that he has been seeing or treated by?

2 A. Dr. David Faber, who is his
3 psychiatrist.

4 Q. Anybody else?

5 A. Dr. Alkier, who is his M.D.

6 Q. Anybody else, to your
7 knowledge, that he has been seeing?

8 A. No, ma'am.

9 Q. Is there any particular reason
10 why he did not go back to see Dr. Strickler?

11 A. He didn't need him. He was
12 seeing Dr. Faber, Dr. David Faber.

13 Q. Is there any particular reason
14 why he switched psychiatrists?

15 A. Ma'am?

16 Q. Is there any particular reason
17 why he switched psychiatrists?

18 A. Oh, he just liked Dr. Faber
19 better.

20 Q. When did he start seeing
21 Dr. Faber for the first time?

22 A. When he was in Brookwood
23 Hospital. I'm not sure what -- And I don't

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1 remember the year.

2 Q. Okay. To your knowledge, what
3 medications is Bryan currently taking?

4 A. He takes Seroquel, six hundred
5 milligrams at bedtime, and he takes Tegretol
6 for seizures.

7 Q. Anything else?

8 A. That's all. Lorcet Plus,
9 excuse me.

10 Q. And when those prescriptions
11 are filled, they're filled at Food World
12 pharmacy?

13 A. Yes, ma'am.

14 Q. Since he has been released
15 from Bullock, has he had any problems with
16 the Law at all?

17 A. Not any problems with the Law.
18 I had to dial 911 on an occasion that he
19 went hysterical with the PTSD.

20 Q. When was that?

21 A. He had had a blackout and
22 didn't know what he was doing, and he
23 attempted suicide. I had no other

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1 alternative than to call -- dial 911.

2 Q. You said he attempted suicide.
3 Did he actually try to commit suicide?

4 A. He got -- He kept telling us
5 he was going to kill himself. If I can get
6 my hands on a gun, I'm going to kill myself.
7 We couldn't get him to settle down. And so
8 the cops were very understanding with him
9 and began to talk to him and settle him
10 down.

11 Q. Did he have a gun?

12 A. No, ma'am. I didn't see a
13 gun.

14 Q. Okay. Since 2006, that's the
15 only thing you're aware of?

16 A. Yes, ma'am. Other than the
17 night terror.

18 Q. Was he charged with DUI in
19 November in relation to that car wreck that
20 he had?

21 A. No, ma'am.

22 Q. Does he have any criminal
23 charges pending against him right now, that

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1 you're aware of?

2 A. No, ma'am.

3 Q. Has there been a lawsuit filed
4 as a result of that accident?

5 A. Yes, ma'am.

6 Q. Do you know when it was filed?

7 A. Probably, a month and a half
8 ago.

9 Q. Do you know where it's filed?

10 A. No, ma'am.

11 Q. And was Bryan named as the
12 defendant in that lawsuit?

13 A. Yes, ma'am.

14 Q. I'm assuming that somebody
15 else got hurt in that wreck?

16 A. Yes, ma'am.

17 Q. Okay. Where did that accident
18 happen?

19 A. Right below our house on
20 Highway 280. He'd just been to Hardy's.

21 Q. Do you know what time of day
22 it was?

23 A. 5:19 was on the impact.

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1 Q. Had Bryan been at home that
2 afternoon?

3 A. Most of the day he'd been at
4 home. They had just left and went to shoot
5 a game of pool.

6 Q. Who was he with?

7 A. My brother -- My other son,
8 Shane.

9 Q. Was Shane in the car at the
10 time of the accident?

11 A. Shane was driving -- I mean,
12 not at the time of the accident, excuse me.
13 Shane left driving the car from home. Bryan
14 was driving the car at the time of the
15 accident.

16 Q. Had they already been to the
17 place to play pool and on the way home?

18 A. No, ma'am. They were fixing
19 to shoot a game of pool. And Bryan
20 previously, two weeks prior to, had had a GI
21 bleed. And according to the guys at the
22 poolroom, they were just fixing to start a
23 game of pool, and he grabbed his chest, and

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1 A. A lawyer, David Luker.

2 Q. From Birmingham?

3 A. From Birmingham.

4 Q. Has there been a preliminary
5 hearing on that?

6 A. No, ma'am.

7 Q. And do you know if it's set?

8 A. No, ma'am. We're just now
9 beginning to get information.

10 Q. Okay. And that's the only
11 criminal charge that he's got pending at
12 this time?

13 A. Yes, ma'am.

14 Q. You said something about he
15 had blacked out. Have you witnessed him
16 blacking out?

17 A. Yes, ma'am.

18 Q. Can you describe to me what
19 happens when he blacks out?

20 A. The first blackout that he
21 had, I may be repeating myself, but he let
22 out a shrill scream about two clock in the
23 morning. He hollered daddy as loud as he

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1 he threw up a mouthful of blood, and he
2 broke and ran out the door.

3 And one of the guys ran to
4 follow him out to the car, and he -- by then
5 he had already jumped into my car. And he
6 said: Wait a minute, Bryan, hold up. And
7 he said about that time, blood sprayed
8 against the passenger side of the car. He
9 vomited more blood. He said he spun out of
10 the driveway before he could stop him.

11 Q. What poolhall were they at?

12 A. It's called the Red Barn.

13 Q. Let me make sure I understand.

14 To your knowledge, there were no criminal
15 charges brought from that accident, and he
16 hasn't had any criminal charges since then?

17 A. There was a second-degree
18 assault charge brought from that accident.

19 Q. What is the current standing
20 on that?

21 A. Pending.

22 Q. Who is representing him on
23 that?

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1 could scream, and he broke and run. And me
2 and Ray met him in the hallway. And he fell
3 to the floor in the living room, and he was
4 pounding on the floor. He said: I'm going
5 to kill Al, you son of a bitch. I'm going
6 to kill you. I'm not a queer. I'm going to
7 kill you. I'm not a queer.

8 He didn't know us. He didn't
9 know where he was. And this went on for
10 about two hours. And my husband was
11 speaking to him very -- in a very soft
12 voice.

13 And, finally, after about two
14 hours time, they were setting in the floor
15 with their legs crossed in an Indian style.
16 And Ray was holding his hand. And he looked
17 up at him as if he just woke up out of a
18 sleep. And he said: Daddy, can I ask you a
19 question? He said: Sure. He said: Why
20 the hell are me and you sitting on the floor
21 and holding each other's hands? And he
22 said: Can't I hold your hand? And he said:
23 Sure. But I'm just wondering why we're

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